

# The Columbus Dispatch

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## Judge yet to explain sudden departure from case

By Kathy Lynn Gray, The Columbus Dispatch

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U.S. District Judge Michael H. Watson had handled the case of Near East Side pharmacist Harold Eugene Fletcher since Fletcher was charged in September 2010.

But on Dec. 21, as attorneys, the defendant and victims gathered for Fletcher's sentencing hearing, Watson sent word that he had recused himself from the case.

He did not give a reason and would not return calls from *The Dispatch*. Fletcher's attorney, Brad Barbin, would not comment on Watson's decision.

Judge Edmund A. Sargus Jr., administrative judge for the Columbus office of U.S. District Court, said it's best for a judge to recuse himself if there's even the appearance of impropriety about his ability to be fair.

"With our court, it's not a problem because there are other judges who can take over the case," he said. "I can never go wrong if I recuse. I can possibly go wrong if I don't recuse."

Federal judges are expected to recuse themselves from cases if they have a conflict of interest. That might be because they or their families know or have a connection with the parties involved or have any financial interest in the parties involved.

U.S. District Judge Algenon L. Marbley would not participate in cases that involved Ohio State University, for example, because he is on the university's board of trustees. Sargus said he, too, would recuse himself from OSU cases because he teaches at the university's law school.

Judges are not required to explain why they recuse themselves but usually do, Sargus said.

Fletcher, 43, now is scheduled to be sentenced by Marbley at 10 a.m. Monday in federal court.

The defendant pleaded guilty a year ago to one count of unlawfully distributing the painkiller oxycodone, one count of filing false income-tax returns and one count of structuring, which is breaking a large cash deposit into several smaller ones to evade U.S. Treasury Department reporting rules.

He owned East Main Street Pharmacy, 1336 E. Main St., and filled prescriptions there for patients of Dr. Paul L. Volkman, a Chicago doctor who operated pain-pill clinics in Portsmouth and Chillicothe.

A federal jury in Cincinnati found Volkman guilty in May of 12 counts of illegally distributing painkillers. Four of those counts involved deaths. He is scheduled to be sentenced on March 14.

Fletcher could have been sentenced to as long as 33 years in prison on the three charges, but a plea agreement he negotiated with prosecutors calls for a prison sentence of 18 months to two years. It also calls for prohibiting him from working as a pharmacist and requiring him to pay back taxes.

The case was investigated by the U.S. Drug Enforcement Administration in Columbus and the IRS.

After Watson recused himself, the case fell to Senior District Judge James L. Graham. Graham works part time as a judge and declined the case because he is out of town in the winter.

The case then fell to Marbley.

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